

**ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD
MINUTES OF MEETING
APRIL 16, 2008
PHOENIX, ARIZONA**

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on April 16, 2008, at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

Sheriff Gary Butler, Chairman
Dr. Scott Decker
Detective Lee Ann Dobbartin
Mr. Joseph Duarte
Deputy Director David Felix, representing Director Roger Vanderpool
Chief Patricia Huntsman
Ms. Wendy Larsen
Director Dora Schriro
Chief Jerry Sheridan
Detective Robert Thompson
Sheriff Chris Vasquez

Members Absent:

Attorney General Terry Goddard
Chief Jack Harris

Staff in Attendance:

Harry Atkins
Ted Brandon
Marie Dryer
Rosalee Fitch
Bob Forry
Tom Hammarstrom
Lynn Howe
Steve Jacobs
Lori Ketron
Lynn Larson
Lyle Mann
Gary Maschner
Curt Milam
Paul Orfe
Sandy Sierra
Maria Valtierra
Mark Zbojnowicz

Assistant Attorneys General
Nancy Beck
Diana Stabler

Solicitor General
Christopher Munns

A. CALL TO ORDER

Chairman Butler called the meeting to order at 10:00 a.m. Director Hammarstrom introduced two new board members. Dr. Scott Decker, a professor at Arizona State University, was appointed to the Board to replace Dr. Michael Polakowski. Ms. Dona Markley is the new deputy director for the Department of Corrections. She will be attending meetings when Director Schriro cannot attend.

B. DOUGLAS POLICE DEPARTMENT PETITION FOR RESTRICTED PEACE OFFICER CERTIFICATION – ALBERTO M. MELIS

The Douglas Police Department has requested a full-authority “restricted” certification for Alberto M. Melis who has completed two of the three waiver requirements but was unable to successfully complete the POPAT test.

Rule R13-4-103(F) allows the Board to waive in whole or part any provision of this Article upon finding that the best interest of the law enforcement profession is served and that the public welfare and safety is not jeopardized by the waiver.

Mr. Duarte moved that the Board grant a full authority restricted certification to Alberto M. Melis. This certification restricts him from being assigned to any duty likely to result in the need to apply physical force, and further, that the potential for such need is so remote as to be highly unlikely. This certification is authorized only for the duration of employment at the Douglas Police Department, seconded by Chief Huntsman, motion carried unanimously.

C. TOHONO O’ODHAM POLICE DEPARTMENT PETITION FOR RESTRICTED PEACE OFFICER CERTIFICATION – THOMAS BARON

The Tohono O’odham Police Department has requested a “restricted” certification for Thomas Baron. An AZ POST trained physician has cleared Mr. Baron to “perform administrative work only including investigations, no patrol work or combative duties.”

Rule R13-4-103(F) allows the Board to waive in whole or part any provision of this Article upon finding that the best interest of the law enforcement profession is served and that the public welfare and safety is not jeopardized by the waiver.

Sheriff Vasquez moved that the Board grant a full authority restricted certification to Thomas Baron. This certification restricts him from being assigned to any duty likely to result in the need to apply physical force, and further, that the potential for such need is so remote as to be highly unlikely. This certification is authorized only for the duration of employment at the Tohono O'odham Police Department, seconded by Ms. Larsen, motion carried unanimously.

D. FINAL ACTION CASES:

Case #1 – Michael A. Bynaker – AZ Department of Public Safety

Deputy Director Felix recused himself from this case. The Board considered comments from Assistant A. G. Nancy Beck and Michael Bynaker. Chief Sheridan made a motion to deny the Motion for Rehearing due to its untimely submittal, seconded by Sheriff Vasquez, motion carried unanimously.

Case #2 – Robert A. Bigando – Gila County Sheriff's Office

The Board considered comments from Assistant A. G. Diana Stabler and Robert Bigando. Chief Sheridan made a motion to adopt the Consent Agreement Order and Decision and impose a one year suspension of peace officer certification beginning on December 4, 2007, and ending on December 4, 2008, seconded by Chief Huntsman, motion carried unanimously.

Case #3 – Daniel C. Hunt – AZ Department of Transportation - MVD

The Board considered comments from Assistant A. G. Diana Stabler. Chief Huntsman made a motion to adopt the Consent Agreement Order and Decision for voluntary relinquishment of peace officer certification, seconded by Ms. Larsen, motion carried unanimously.

Case #4 – Benson Yazzie Jr. – White Mountain Apache Tribal Police Department

The Board considered comments from Assistant A. G. Diana Stabler. Chief Vasquez made a motion to adopt the Consent Agreement Order and Decision for voluntary relinquishment of peace officer certification, seconded by Deputy Director Felix, motion carried unanimously.

Case #5 – Robert A. Remsik – Phoenix Police Department

The Board considered comments from Assistant A. G. Diana Stabler and Janet Feltz, attorney for Mr. Remsik. Chief Huntsman made a motion to ratify the adoption of the Consent Agreement Order and Decision for voluntary relinquishment of peace officer certification, seconded by Mr. Duarte, motion carried unanimously.

Case #6 – Robert C. Dietrich – Phoenix Police Department

The Board considered comments from Assistant A. G. Nancy Beck and Janet Feltz, attorney for Mr. Dietrich. Chief Sheridan made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Deputy Director Felix, motion carried unanimously.

Case #7 – William P. Langan – Pinal County Sheriff's Office

Sheriff Vasquez recused himself from this case. The Board considered comments from Assistant A. G. Diana Stabler. Mr. Duarte made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Ms. Larsen, motion carried unanimously.

Case #8 – Joseph A. Tate – Gila River Police Department

The Board considered comments from Assistant A. G. Diana Stabler. Sheriff Vasquez made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Ms. Larsen, motion carried unanimously.

Case #9 – Lincoln Perry Jr. – White Mountain Apache Tribal Police Department

Mr. Duarte and Sheriff Butler recused themselves from this case. Chief Sheridan was acting chair for this case. The Board considered comments from Assistant A. G. Diana Stabler. Chief Huntsman made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Ms. Larsen, motion carried unanimously.

E. NEW CHARGING CASES:Case #1 – Christopher Berhow – Northern AZ University Police Department

Deputy Director Felix recused himself from this case. Chief Huntsman made a motion to close this case with **No Action with Agency Discretion**, seconded by Mr. Duarte, motion carried unanimously.

Case #2 – Michael J. Boria – Pima County Sheriff's Department

Detective Dobbartin recused herself from this case. Sheriff Vasquez made a motion to **Initiate Proceedings**, seconded by Chief Sheridan, motion carried unanimously.

Case #3 – Jarvis G. Davis – White Mountain Apache Tribal Police Department

Chief Sheridan made a motion to close this case with **No Action with Agency Discretion**, seconded by Chief Huntsman, motion carried unanimously.

Case #4 – Rose M. Gooday – White Mountain Apache Tribal Police Department

Chief Sheridan made a motion to request that staff **Research Further**, seconded by Chief Huntsman, motion carried unanimously.

Case #5 – Norman Lee – Navajo Department of Public Safety

Sheriff Vasquez made a motion to **Initiate Proceedings**, seconded by Deputy Director Felix, motion carried unanimously.

Case #6 – Kathleen L. Montgomery – AZ Department of Public Safety

Deputy Director Felix and Detective Dobbartin recused themselves from this case. Chief Sheridan made a motion to **Initiate Proceedings**, seconded by Sheriff Vasquez, motion carried unanimously. Chief Sheridan requested that staff negotiate a consent agreement on this case that would impose a suspension of peace officer certification from October 9, 2007, to March 1, 2008.

Case #7 – Julie L. Rice – Northern AZ University Police Department

Chief Huntsman made a motion to close this case with ***No Action with Agency Discretion***, seconded by Ms. Larsen, motion carried unanimously.

Case #8 – Ofelia C. Robbins – Coconino County Sheriff's Office

Sheriff Vasquez made a motion to ***Initiate Proceedings***, seconded by Chief Sheridan, motion carried unanimously.

Case #9 – Christopher J. West – AZ Department of Public Safety

Deputy Director Felix recused himself from this case. Chief Huntsman made a motion to ***Initiate Proceedings***, seconded by Detective Dobbartin, motion carried with one nay vote.

F. ADJOURN

Chairman Butler adjourned the meeting at 11:30 a.m.